

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STEVEN SANTIAGO,

PLAINTIFF,

**AMENDED COMPLAINT**

-AGAINST-

**13-CV-1643 (CBA) (VVP)**

POLICE OFFICER KELVIN PEREZ, POLICE OFFICER  
DEREK ALMEIDA and POLICE OFFICER PRZEMYSI  
SZUMTLO, individually, and in their capacities as  
members of the New York City Police Department.

DEFENDANTS.

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**PRELIMINARY STATEMENT**

1. This is a civil action in which plaintiff, Mr. Steven Santiago (“Mr. Santiago”), seeks relief for the violation of his rights secured by 42 USC 1983, the Fourth and Fourteenth Amendments to the United States Constitution.
2. The claims arise from an incident on or about May 15, 2012, in which officers of the New York City Police Department (“NYPD”), acting under color of state law, intentionally and willfully subjected Mr. Santiago to use of excessive force.
3. Plaintiff seeks monetary damages (special, compensatory and punitive) against defendants as well as an award of costs and attorneys’ fees, and such other and further relief as the Court deems just and proper.

### **JURISDICTION**

4. This action is brought pursuant to 28 USC 1331, 42 USC 1983, and the Fourth and Fourteenth Amendments to the United States Constitution.
5. Venue is laid within the United States District Court for the Eastern District of New York in that the events giving rise to the claim occurred within the boundaries of the Eastern District of New York.

### **PARTIES**

6. Plaintiff, Mr. Santiago, is a United States citizen and at all times here relevant resided at 1613 Hancock Street, Apartment 2R, Queens, New York, 11385.
7. New York City is a municipal corporation organized under the laws of the State of New York.
8. Police Officer Kelvin Perez, shield number 5533 (“PO Perez”), Police Officer Derek Almeida, shield number 25236, (“PO Almeida”), and Police Officer Przemyslaw Szumtlo, shield number 27089, (PO Szumtlo), at all times here relevant were members of the NYPD, and are sued in their individual and professional capacities.
9. At all times mentioned, defendants were acting under color of state law, under color of the statutes, ordinances, regulations, policies, customs and usages of the City of New York.

### **FACTUAL ALLEGATIONS**

10. Mr. Santiago is a 33-year old Hispanic male.
11. Mr. Santiago works in various construction trades.
12. On or about May 15, 2012, Mr. Santiago was on Hancock Street, Brooklyn, when he was stopped by PO Perez and Police Officer Aronov (“PO Aronov”).

13. PO Perez handcuffed and arrested Mr. Santiago.
14. Mr. Santiago asked PO Perez and PO Aranov why they were arresting him.
15. PO Perez told Mr. Santiago to “shut the fuck up”.
16. Mr. Santiago was transported to the 83<sup>rd</sup> Precinct to be processed.
17. While at the 83<sup>rd</sup> Precinct Mr. Santiago was taken to a cell to be strip searched by PO Almeida.
18. PO Almeida ordered Mr. Santiago to remove his clothes.
19. Mr. Santiago repeatedly asked PO Almeida why he was doing this to him.
20. PO Almeida began to scream and yell and Mr. Santiago.
21. PO Perez and PO Szumtlo joined PO Almeida in the cell area.
22. Without provocation, PO Almeida began to punch Mr. Santiago.
23. Mr. Santiago fell to the ground and PO Almeida continued to punch and kick Mr. Santiago.
24. PO Perez and PO Szumtlo also began to punch and kick Mr. Santiago about the body.
25. Mr. Santiago was hit numerous times about his body with a metal ASP.
26. Mr. Santiago suffered cuts, bleeding and bruising all over his body, as well as a fracture to his ankle, as a result of being attacked by PO Almeida, PO Szumtlo and PO Perez.
27. Mr. Santiago pleaded for medical attention and was taken to Woodhull Hospital.
28. After being arraigned, Mr. Santiago sought additional medical treatment the Wyckoff Heights Medical Center.
29. Mr. Santiago suffered severe pain and discomfort as a result of his injuries and continues to suffer severe pain and discomfort to this day.

30. Mr. Santiago continues to feel traumatized by the events of May 2012, and is wary and fearful when he sees police officers. Mr. Santiago takes efforts to avoid police officers when in public.

31. Mr. Santiago has suffered a great deal following the incident and continues to feel fear, embarrassment, humiliation, emotional distress, frustration, anxiety and physical pain.

### **FIRST CAUSE OF ACTION**

(42 USC 1983 – Excessive Force)

32. Plaintiff repeats and realleges each of the preceding allegations of this Complaint as if fully set forth herein.

33. Defendants have deprived plaintiff of his civil, constitutional and statutory rights under color of law and are liable to plaintiff under 42 USC 1983.

34. Defendants have deprived plaintiff of his right to be free of unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, in that defendants used excessive and unreasonable force in effecting the arrest of plaintiff.

35. Plaintiff has been damaged as a result of defendants' actions in an amount believed to equal or exceed the jurisdictional limit of this Court.

### **JURY DEMAND**

36. Plaintiff demands a trial by jury.

WHEREFORE, plaintiff respectfully requests that the court enter a Judgment against defendants together with costs and disbursements as follows:

In favor of plaintiff in an amount to be determined by a jury, but at least equal to or exceeding the jurisdictional limit of this Court for each of plaintiff's causes of action;

Awarding plaintiff punitive damages in an amount to be determined by a jury;

Awarding plaintiff reasonable attorneys' fees, costs and disbursements of this action;

And such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 22, 2015

By: /s/  
Duncan Peterson (DP7367 )

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